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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR-11-00522 SBA
)	
Plaintiff,)	
)	STIPULATED REQUEST TO CONTINUE
v.)	SENTENCING HEARING DATE TO
)	JUNE 13, 2012 FOR AN EVIDENTIARY
)	HEARING AND ORDER
JAMAR MADDUX,)	
)	
Defendant.)	Hearing Date: June 7, 2012
)	Time: 11:00 a.m.
)	

The above-captioned matter was set on April 6, 2012 before this Court for a sentencing hearing. The Court decided that an evidentiary hearing was necessary to resolve a dispute regarding the applicable sentencing Guidelines range. The evidentiary hearing date is currently set for June 7, 2012. The parties jointly request that the Court continue this matter to June 13, 2012, at 1 p.m., for an evidentiary hearing.

In September 2009, this Court sentenced Mr. Maddox to 24 months in the custody of the Bureau of Prisons after he pleaded guilty to being a felon in possession of a firearm. Near the end of his sentence, in February 2011, the Bureau of Prisons transferred Mr. Maddox to Geo Care, a residential reentry center, in Oakland, California. On May 24, 2011, Mr. Maddox fled from the facility and the government charged him with escape from custody, a violation of 18

U.S.C. § 751(a). Mr. Maddox pleaded guilty to this charge at his first district court appearance. He has no plea agreement with the government.

The parties dispute the application of an enhancement under the sentencing guidelines. After reviewing the parties' sentencing papers and the probation office's Pre-Sentence Investigation Report, the Court determined that an evidentiary hearing was necessary to resolve the dispute. The parties anticipate that the hearing will last approximately three hours. The parties further stipulate and agree that the following witnesses will appear at the hearing without the need for a subpoena:

GEO care staff member Michael Paladini
GEO care staff member Joyce Nguyen
Deputy United States Marshal Rabanal
Deputy United States Marshal Siegel
Federal Public Defender Investigator Frank Tamburello
Federal Public Defender Investigator Madeline Larsen

The evidentiary hearing was originally set for May 29, 2012. The Court vacated this date and reset the matter to June 7, 2012. Because the defense has a conflict with this new date, the parties stipulate and agree that it is appropriate to continue the evidentiary hearing in this matter to June 13, 2012. Counsel for Mr. Maddox conferred with the United States Probation Office regarding this stipulation. The probation officer assigned to this case is available to appear on that date. For these reasons, the parties request that the Court set this matter for an evidentiary hearing on June 13, 2012 at 1:00 p.m.

Because this is a sentencing stipulation, and because Mr. Maddox has already pleaded guilty, the parties agree that the Speedy Trial Act does not apply.

DATED: May 31, 2012

/S/
BRIAN C. LEWIS
Assistant United States Attorney

DATED: May 31, 2012

/S/
ANGELA M. HANSEN
Assistant Federal Public Defender


ORDER

Based on the reasons provided in the stipulation of the parties above, and for good cause, the Court hereby FINDS:

1. Given that an evidentiary hearing is necessary to resolve a sentencing Guidelines dispute;
2. Given that the parties and probation office are available on June 13, 2012; and
3. Given that Mr. Maddox pleaded guilty and that the Speedy Trial Act does not apply;

Based on these findings, IT IS HEREBY ORDERED that the evidentiary hearing date of, June 7, 2012, scheduled at 11:00 a.m., before the Honorable Saundra Brown Armstrong, is vacated and reset for June 13, 2012 at 1 p.m.

May 31, 2012


SAUNDRA BROWN ARMSTRONG
United States District Judge